

HOUSE BILL No. 2317

By Representative Finney

2-13

1 AN ACT concerning utilities; relating to electric transmission lines;
2 definitions; state corporation commission; siting permit approval;
3 requirements; amending K.S.A. 66-1,177, 66-1,178, 66-1,179, 66-1,180
4 and 66-1,183 and repealing the existing sections.

5
6 *Be it enacted by the Legislature of the State of Kansas:*

7 Section 1. K.S.A. 66-1,177 is hereby amended to read as follows: 66-
8 1,177. As used in this act, the following terms shall have the meanings
9 ascribed to them herein:

10 (a) "Electric utility" means every public utility, as defined by K.S.A.
11 66-104, ~~which and amendments thereto, that~~ owns, controls, operates or
12 manages any equipment, plant or generating machinery for the production,
13 transmission, delivery or furnishing, of electricity or electric power;

14 (b) "electric transmission lines" means any line or extension of a line
15 ~~which that~~ is at least five ~~(5)~~ miles in length and ~~which that~~ is used for the
16 bulk transfer of ~~two hundred thirty (230)~~ 230 kilovolts or more of
17 electricity;

18 (c) *"urban electric transmission line" means any line or extension of*
19 *a line that is located within the corporate limits of a city and that is at*
20 *least ¼ mile in length and designed for the transfer of 69 kilovolts or more*
21 *of electricity; and*

22 (d) "commission" means the state corporation commission.

23 Sec. 2. K.S.A. 66-1,178 is hereby amended to read as follows: 66-
24 1,178. (a) ~~No~~ *An electric utility may begin shall acquire a siting permit*
25 *from the commission prior to beginning site preparation for or construction*
26 *of an electric transmission line, or exercise or an urban electric*
27 *transmission line or exercising the right of eminent domain to acquire any*
28 *interest in land in connection with the site preparation for a the*
29 *construction of any such line without first acquiring a siting permit from*
30 *the commission lines.*

31 (2) Whenever any electric utility desires to obtain ~~such~~ a siting
32 permit, the utility shall file an application with the commission setting
33 forth therein that the utility proposes to construct an electric transmission
34 line *or an urban electric transmission line* and specifying:

35 (1)(A) The proposed location thereof;

36 (2)(B) the names and addresses of the landowners of record whose

1 land or interest therein is proposed to be acquired in connection with the
2 construction of or is located within 660 feet of the center line of the
3 easement where the *such* line is proposed to be located; and

4 ~~(B)~~(C) such other information as may be required by the commission.

5 (b) Upon the filing of an application pursuant to subsection (a), the
6 commission shall fix a time for a public hearing on such application,
7 which shall be not more than 90 days after the date the application was
8 filed, to determine the necessity for and the reasonableness of the location
9 of the proposed electric transmission line *or urban electric transmission*
10 *line*. The commission shall fix the place for hearing, which shall be in one
11 of the counties through which the electric transmission line *or in the city*
12 *through which the urban electric transmission line* is proposed to traverse.

13 (c) The commission may conduct an evidentiary hearing on an
14 application filed pursuant to this section at such time and place as the
15 commission deems appropriate.

16 (d) The commission shall issue a final order on the application within
17 120 days after the date the application was filed.

18 Sec. 3. K.S.A. 66-1,179 is hereby amended to read as follows: 66-
19 1,179. The commission shall publish notice of the time, place and subject
20 matter of the public hearing provided for by K.S.A. 66-1,178, and
21 amendments thereto, in newspapers having general circulation in every
22 county through which the electric transmission line *or in the city through*
23 *which the urban electric transmission line* is proposed to traverse once
24 each week for two consecutive weeks, the last publication to be not less
25 than five days before such hearing date. The commission may order the
26 applicant to publish such notice and submit an affidavit of publication,
27 evidencing the dates of publication and the newspapers in which the notice
28 appeared, to the commission prior to the hearing. Written notice by
29 certified mail of such hearing and a copy of the application shall be served
30 not less than 20 days prior to the hearing date upon all landowners
31 described in ~~subsection (a)(2) of~~ K.S.A. 66-1,178, and amendments
32 thereto, as shown by the application.

33 Sec. 4. K.S.A. 66-1,180 is hereby amended to read as follows: 66-
34 1,180. All hearings conducted pursuant to this act shall be in accordance
35 with the provisions of the Kansas administrative procedure act. All such
36 hearings shall be completed within 30 days after the commencement
37 thereof, unless the electric utility requests a continuance of any such
38 hearing. All costs of any hearing pursuant to this act shall be taxed against
39 the electric utility. The commission shall make its decision with respect to
40 the necessity for and the reasonableness of the location of the proposed
41 electric transmission line *or urban electric transmission line*, taking into
42 consideration: (1) The benefit to both consumers in Kansas and consumers
43 outside the state ~~and~~; (2) *the* economic development benefits in Kansas;

1 *and (3) the local aesthetics, location, environment and population density.*
2 The commission shall issue or withhold the permit applied for and may
3 condition such permit as the commission may deem just and reasonable
4 and as may, in its judgment, best protect the rights of all interested parties
5 and those of the general public.

6 Sec. 5. K.S.A. 66-1,183 is hereby amended to read as follows: 66-
7 1,183. It shall be the duty of every electric utility which constructs an
8 electric transmission line *or an urban electric transmission line* to restore
9 the land upon which such line is constructed to its condition which existed
10 prior to such construction.

11 Sec. 6. K.S.A. 66-1,177, 66-1,178, 66-1,179, 66-1,180 and 66-1,183
12 are hereby repealed.

13 Sec. 7. This act shall take effect and be in force from and after its
14 publication in the Kansas register.